



February 9, 2009

Commissioner Philip Giudice  
Massachusetts Department of Energy Resources  
100 Cambridge Street, Suite 1020  
Boston, MA 02114

Re: Proposed Final Regulations – Renewable Energy Portfolio Standard, RPS I (225 CMR 14.00)

Dear <sup>Phil</sup>~~Commissioner~~ Giudice:

I am writing on behalf of First Wind in response to the invitation from the Department of Energy Resources ("DOER") to submit comments on the proposed final regulations for the Renewable Energy Portfolio Standard, RPS I (225 CMR 14.00).

First Wind is an independent North American wind power company focused exclusively on the development, ownership, and operation of wind energy projects. Our principal offices are located in Newton, Massachusetts. First Wind currently owns and operates five projects, including the 42 MW Mars Hill project and the 57 MW Stetson project in Maine – New England's largest utility-scale operating wind energy projects – both of which supply renewable energy certificates ("RECs") to the Massachusetts market.

As you are aware, First Wind was active in the study process DOER conducted in preparation for this rulemaking, including delivering testimony at the September 23, 2008 stakeholder meeting and filing formal written comments on September 30, 2008. Our comments encouraged DOER to seek an outcome that was fair, practical, and consistent with the RPS program's fundamental objectives of increasing the supply of renewable power to Massachusetts, diversifying the resource mix, reducing price volatility and reliance on imported fuels, and improving the environmental characteristics of the electricity supplied to the state. In general, First Wind believes these proposed regulations would achieve these objectives, and therefore, we are not suggesting any specific changes.

We applaud the recognition by DOER in last year's feasibility study – and accordingly, in these regulations – that it would not be feasible to impose an obligation on intermittent resources to become a committed capacity resource. Requiring participation in the New England Forward Capacity Market (FCM) would not have been a sensible means to requiring renewable generators to make a commitment to supplying the ISO-New England region, and as such, we are pleased that the proposed regulations take a more appropriate approach.

While it appears that DOER wants to include in the objectives of the RPS expanding capacity for reliability purposes, it is essential that this objective not overwhelm the RPS's traditional goals of a more diverse, environmentally friendly, and indigenous fuel mix to supply Massachusetts consumers. These

proposed regulations seek an appropriate balance between these various objectives. That balance has largely been achieved, although we do not see how the prohibition on committing RPS Class I renewable generation to any other control area (14.05 (1)(e)(1)) will advance reliability in New England (as outlined in detail by some parties at last week's public hearing).

On a final note, we appreciate the inclusion of a provision (14.05 (1)(e)(3)) that would allow RPS-eligible facilities outside of ISO-New England to commit capacity to another control area if they attempt to participate in FCM but fail for technical reasons. This provision will likely have relevance to our Mars Hill project, which (for technical reasons related to its transmission path) was denied the opportunity to participate in the FCM in spite of the fact that its power is imported into the ISO-New England from northern Maine. The proposed rules recognize the unique circumstances of a facility like Mars Hill that is geographically within New England but outside of the ISO-NE market. First Wind looks forward to working with DOER in the near future to confirm the application of this provision to Mars Hill.

First Wind is eager to continue to grow our operations and investment in Massachusetts and New England, and we appreciate DOER's interest in engaging us and other key stakeholders on RPS-related issues. Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Gaynor", with a stylized flourish at the end.

Paul Gaynor  
President and Chief Executive Officer

cc: Secretary Ian Bowles  
Rob Sydney  
Courtney Feeley Karp  
Dwayne Breger  
Howard Bernstein